

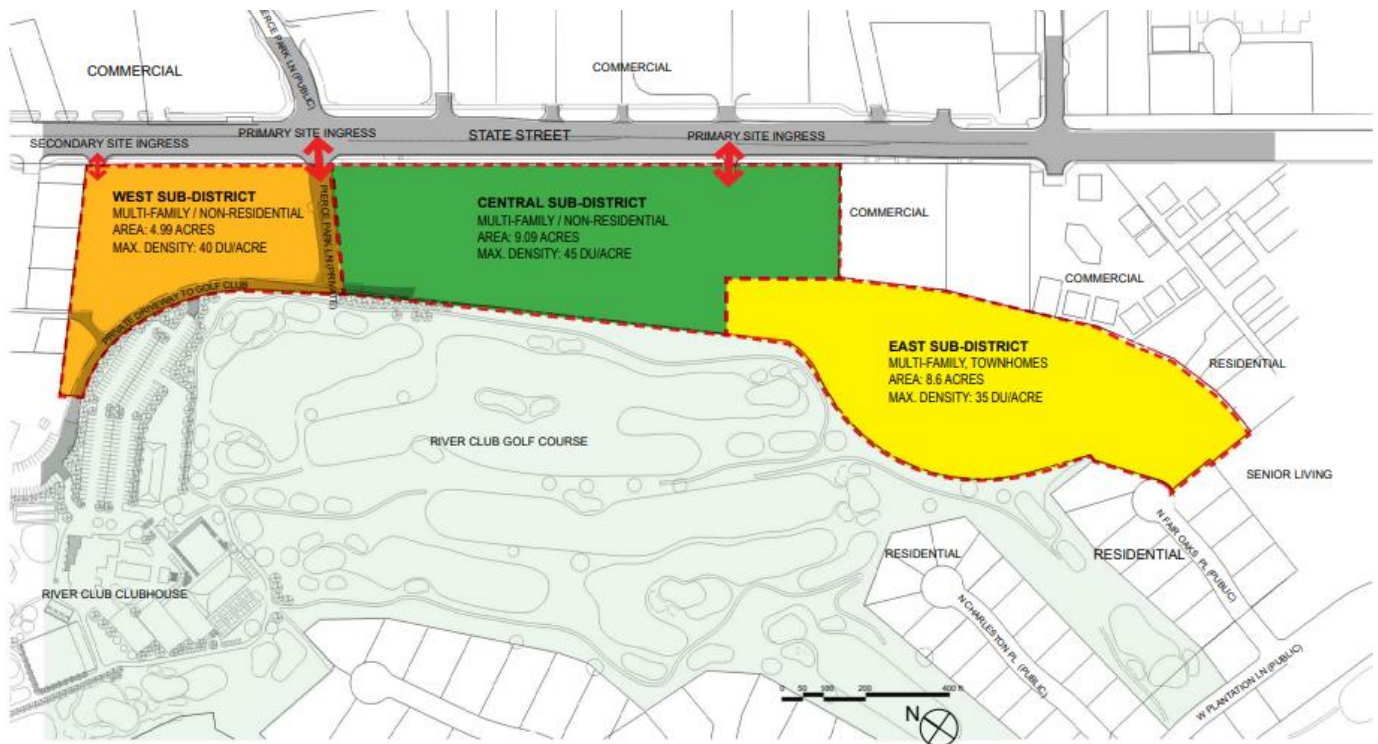


DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714
Phone (208)472-2921 □ Fax (208)472-2926

SPECIFIC AREA PLAN (SAP) STAFF REPORT

File Number: SAPFY2023 - 0001



Applicant: LPC West, Inc, represented by Trever Nicoll

Planning and Zoning Commission Hearing Date: 4/27/2023, 5:30 p.m.

City Council Hearing Date: 5/22/2023, 6:00 p.m.

Prepared by Jenah Thornborrow
(208) 472-2921; planning@gardencityidaho.org

REPORT CONTENT

RECORD DOCUMENTS	4
RECOMMENDATION SUMMARY	5
Design Consultation	5
Planning and Zoning Commission	5
MEETING HISTORY	5
Neighborhood Meeting	5
Work Session	5
Design Review Consultation	5
Planning and Zoning Commission Hearings	11
City Council Hearings	11
PROJECT INFORMATION	11
Proposed Scope of Work	11
Purpose of a Specific Area Plan	12
Site Information	12
Proposed Master Plan	13
Land Use	13
Circulation	14
Open Space	15
Phasing	15
PROPOSED CODE	15
Sections Adopted by Reference	15
Code Specifics to Master Plan	15
Synopsis of Other Proposed Code Revisions	17
PROCESS AND DECISION	19
General Provisions	19
Decision Process	19
Required Findings	19
Authorities and Actions	20
Conflict of Interest and <i>Ex Parte</i> Communication	21
APPLICATION REVIEW	22
Specific Points of Concern	22
Ownership	22

Master Declarations	22
Spot Zoning.....	22
Vehicular Access.....	22
Bicycle Network.....	24
Housing.....	26
Standing.....	27
Comments on Proposed Code	27
Garden City Code, Title 8, and Idaho State Statute Review.....	27
Plans and Policy Review	32
AGENCY COMMENTS	36
PUBLIC COMMENT	38

RECORD DOCUMENTS ([link to all file documents](#))

Individual links:

1. Application Materials
 - a) [Pre-submittal Neighborhood Meeting Power Point 8-25-22](#)
 - b) [Pre-submittal Neighborhood Meeting No. 2 Power Point 10-25-22](#)
 - c) [Initial Application 12-21-2022](#)
 - d) [Resubmittals 1-11-2023](#)
 - e) [Additional Submittals 1-19-2023](#)
 - f) [Resubmittals 4-6-2023](#)
 - g) [Resubmittal 4-10-2023](#)
 - h) [Additional Resubmittals 4-10-2023](#)
 - i) [Greenbelt Access](#)
 - j) [Redline Code Comparison](#)
 - k) [Definitions](#)
 - l) [Code and Definition Summary](#)
 - m) [Delegation of Authority](#)
 - n) [Historic Deed](#)
 - o) [Deferral Request](#)
 - p) [Traffic Impact Study](#)
 - q) [Response to DR Consultants Comments](#)
 - r) [Response to David Leroy](#)
 - s) [Code Summary](#)
 - t) [Master Plan Update](#)
 - u) [Adjacent Neighbors Visual](#)
 - v) [Vision Presentation](#)
2. Staff Reports and Presentation
 - a) [Work Session Presentation](#)
 - b) [Draft Staff Report #1 3-15-2023](#)
3. Agency Comments: linked in [Agency Comments](#)
4. Public Comments: linked in [Public Comments](#)
5. Noticing
 - a) [Property Posting for Planning and Zoning](#)
 - b) [Property Posting for City Council](#)
 - c) [Noticing Documents](#)
6. Planning and Zoning Commission Recommendation
 - a) [Draft potential recommendation](#)
 - b) Planning and Zoning Commission Recommendation: To be formalized upon official recommendation from the Planning and Zoning Commission
7. Draft Potential Decision: To be drafted upon official recommendation from the Planning and Zoning Commission

RECOMMENDATION SUMMARY

Design Consultation

The Design Consultant's written comments are linked: Brett Labrie, 02/24/2023: [Link](#); Derek Hurd, 02/24/2023: [Link](#). The applicant's response is linked: [Response to DR Consultants Comments](#).

The comments are incorporated into the Planning and Zoning Commission draft recommendation.

Planning and Zoning Commission

This summary will be updated to reflect the Planning and Zoning Commission recommendation.

MEETING HISTORY

Neighborhood Meeting

Neighborhood meetings are a precursor to the application and are required by code. They are intended to engage the neighbors and facilitate public input that can be incorporated into the SAP prior to the application being submitted to the city. The applicant provided two neighborhood meetings. The meetings were held on 8/25/2022 and 10/25/2022. They were conducted by the applicant prior to applying.

Work Session

Planning and Zoning Commission

A work session with the Planning and Zoning Commission was scheduled for 2/15/2023. The intent of this meeting was to provide background information regarding the hearing process and general background information of the application. The meeting was open to the public. As the meeting was not a public hearing, no testimony or deliberations occurred at this meeting. The meeting was recorded and made a part of the record materials.

Design Review Consultation

March 6, 2023

During the March 6, 2023, consultation, the applicant's responses to the Design Consultant's written comments were discussed.

A summary of the consultant's recommendations is below:

General Comments include:

1. SAP approval must satisfy the following:
 - a. The nine SAP Purpose Requirements 8-6B-6: A.
 - b. The six SAP Required Findings 8-6B-6: E.
 - c. The twelve Comp. Plan Goals. (From SAP Purpose Requirement 1 and Required Finding 1)

2. SAP Required Findings:
 - a. Findings 1-3 and 5-6: The application has been conditioned and presented to meet these required findings or has been commented on in this review.

b. Finding 4: This finding has several words that could be considered subjective and in part would/will be considered under the future Design Review applications. However, this finding considers the task of creating an “identifiably distinct” area with a “distinguishing character” at this level of approval, not at future Design Review applications. This application should strive to improve, enhance, or exceed current regulations in the site and architectural planning to bring to the city the distinct and distinguished character that is required in an SAP application. Given the limited amount of design information provided in the application, it is hard to determine if that threshold is met. Without rendered examples, precedence examples, or more information about the proposed distinctive and identifiable architecture in this application it could fall short of Finding 4 on execution.

- i. “Best-in-class”
- ii. “High-quality planning and design”
- iii. “Identifiably distinct”
- iv. “Distinguishing character”

3. Diversity in Housing:

a. Comp. Plan Goal 6.2-6.3: Diversity in housing and mixed-income initiatives/inclusions are not discussed. It is not clear how this project sets an example in the region for diversity in housing or encourages or includes mixed-income or affordable housing. This goal speaks specifically to mixed income and affordable housing not simply a variety in architecture or a mix of housing types that are considered under a separate requirement.

The Design Consultants made the following recommendations regarding the proposed master plan:

- Parking – Site Layout /Circulation:
 - a. Reduce visibility of parking and parking structures (carports) from State Street. Recommend landscaping, screening, public art, location on site, structures, etc.
 - b. Increase useability and intuitive function of traffic flow from East Sub through Center Sub traveling west to access signalized intersection.
 - c. Garages and carports should not be exempt from setbacks.
 - d. Consider less surface parking. Subsurface or structure.
- Connectivity:
 - a. Add a bike and pedestrian connection to N. Fair Oaks Pl. for important greenbelt access for recreation, work and school commuting, and safety.
 - i. Green Boulevard Corridor – Promotes multi-modal through State Street connections to transit, ped-bike corridor and safety improvements, and increased connectivity with the Greenbelt (Fair Oaks Pl.)

- ii. SAP Purpose Requirement 4. Provide a safe and comfortable integrated transportation system that prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips.
 - b. Consider vehicular access from East Sub. to N. Fair Oaks Pl. for access to the signalized intersection at Plantation River Drive. Subject to Ada County Highway District (ACHD) review/blessing.
- Density: Proposed SAP density is appropriate as defined by the Comprehensive Plan land use designation for the area.
 - a. Activity Node – Average density of 33 exceeds “At least 14-20”
 - b. Residential Low Density – Attached housing is appropriate near major arterials and public facilities.

The Design Committee made the following recommendations regarding the proposed code:

1. ALLOWED USES IN THE RESIDENCES AT RIVER CLUB SAP DISTRICT
 - a. Recommend removing all uses that are not allowed within the SAP from the table.
2. GENERAL PROVISIONS FOR NONRESIDENTIAL AND MIXED-USE DEVELOPMENT
 - a. Recommend additional requirements for primary entrance to address the multiple primary entrances that are typically incorporated within mixed-use buildings (i.e., How is the residential component of a mixed-use building required to engage with the public realm at the ground level)
3. PARKING DESIGN AND IMPROVEMENT STANDARDS
 - a. Exterior measurement of a garage parking stall at this minimum may significantly affect usability. Recommend measurement of parking stall dimension compliance be determined by interior dimensions of garage space.
 - b. Recommend utilizing the revised parking ordinance that is currently being considered by GC. The result would provide a more comprehensive set of standards that includes standards for drive isles, compact parking, and structured parking if considered / proposed in future DR submissions within the SAP.
4. REQUIRED NUMBER OF OFF-STREET PARKING SPACES
 - a. Recommend required number of off-street parking spaces remain consistent with the revised parking ordinance being considered by GC.
5. PEDESTRIAN AND BICYCLE ACCESSIBILITY STANDARDS
 - a. In accordance with SAP goals and the comprehensive plan, pedestrian and bicycle pathways should be required to connect to all public sidewalks which abut the SAP property boundary lines to

provide interconnectivity with adjacent existing or future planned public access.

- b. Pedestrian and bicycle connectivity should be required at the connection of N Fair Oaks PI to the East Sub-District where public ROW abuts the district boundary.

6. SIGNS

- a. Keep roof sign prohibition.
- b. If roof signs are to be allowed, recommend providing specific requirements to provide a framework for design and review.
- c. Automated signs are prohibited throughout SAP except as allowed currently on State Street.

7. PRIVATE OPEN SPACE REQUIREMENTS:

- a. 50 SF is required for ALL units with no reduction for above-ground units.
- b. Private means private, not common terraces not shared sports courts.
- c. Why has Landscaping been removed from 3? And it just starts with Entryway? - Was there elsewhere that “required perimeter landscaping” cannot count? See also landscape removal in Private Open Space definition.

8. OPEN SPACE DEFINITION:

- a. ... “And all other exterior or INTERIOR recreational areas.” Interior does not meet the intent of the definition for Open Space...” open to the sky,” “outdoor recreation or enjoyment.”
- b. The addition of “pedestrian walkways” in the Open Space definition conflicts with “Required sidewalks” not being allowed to contribute to open space calculations. Consider using the word pathway which has precedence, and then better define “pathway” vs.” sidewalk.” The intent would be that required public sidewalks along State Street does not contribute to open space, but the “pathway” along the golf course would.

9. OPEN SPACE STANDARDS FOR MULTI-FAMILY

- a. Recommend maintaining a minimum dimension of any private open space at 6’-0” for functional usability of the space.
- b. Recommend maintaining a minimum common open space dimension of 20’-0” to maintain usability for active and benefit for passive common open space beyond that which is achieved by a 10’ landscape strip.
- c. Recommend maintaining a 4’ barrier between common open space and adjacent collector and arterial streets unless a 2’ high barrier and additional landscape buffer (with defined minimum depth that will allow incorporation of trees, shrubs, and boulders) is provided.

10. PERIMETER AND SCREENING STANDARDS: No Vinyl (the word was added). Wrought iron OK.

11. TREE MITIGATION: Mitigation for 6” and greater. The jump to mitigating only 12” and over is unreasonable.

12. IRRIGATION

- a. Recommend newly developed area “SHALL” be connected to pressurized irrigation of nearby surface irrigation water as required by Idaho Code rather than “MAY.”
- b. Supports Comp. Plan Goals 4 & 9. b. Adding the words “the proposed” on page 77 of the redline revision to B.1.b removes the intent of the protection of the amenity and should not be added.

13. ACCESSORY STRUCTURES: Should reference the current GC code and Idaho Code rather than fixing it in this code. Both are under review and may be changing.

14. SAP District Provisions:

- a. “Potentially for active adult users aged 55+” Consider removing the word “potentially” or remove the age restriction.
- b. Consider not codifying active adults mentioned in West Subdistrict purpose and required parking.
- c. Each district will emphasize “high-quality design” which is not defined.

15. DWELLING UNIT, MULTI-FAMILY:

- a. 8 D. 1. Property Management Office – Add “centrally located, identifiable, and distinct as a public office space.”

16. SINGLE FAMILY DETACHED:

- a. Wording was added to allow front entry to have a direct and permanent pathway to the right-of-way instead of the sidewalk. This could be interpreted as a connection to be only to a drive aisle. (Also, in 3. All elevations section). The intent is entry to the sidewalk connection.

17. SIDEWALK STANDARDS:

- a. Do not strike the detached sidewalk requirement. Pedestrian and bike safety, walkability, and community, all want detached. Base code requires detached sidewalks.

18. SUSTAINABILITY

- a. Do not remove requirements.

February 21, 2023

During the February 21, 2023, consultation, the consultants provided comments on the proposed code, the master plan, and the purpose of the application.

Comments on the proposed code included:

- Pressurized Irrigation: utilize the term “shall” rather than “may” and delete the word “proposed.”
- Accessory Structure: point to Idaho Code and Garden City Code.
- Districts: Remove the word “potentially” and define “active adult” or change the term to multi-family in regulations.
- Subdistrict: Define “high-quality.”
- Office: language to require a central location and unique features to act as identification is needed.
- Single-family attached: Connection to sidewalk rather than drive-aisle needs clarified.
- Detached sidewalks are preferred to allow for landscaping buffers.
- Roof signs: additional language to provide parameters would be useful.
- Add language to integrate signage into architecture.
- Perimeter Screening: Vinyl fencing is not a desirable material.
- Tree mitigation requirements for 12+” is too much; 6+” would be better.
- Private Open Space: Open space needs to be functional and for the tenant only. The constructed barrier between arterial and open space should remain at 4’ height.
- Open Space: Word “interior” has been added. This does not meet the intent of open space having access to usable outdoor areas.
- Pedestrian Walkways: Conflict with required sidewalks; the intent is that pedestrian pathways be open space, but sidewalks should not be open space.
- Bicycle connectivity standards: Interconnectivity to any public right of way to the boundary provides connectivity.
- Garages and Carports: Reword setback language.
- Property maintenance from private right-of-way versus public may be difficult to enforce lawfully.

Comments on the Master Plan included:

- Fair Oaks needs to be connected for the purposes of bicycle and pedestrian connectivity.
- Consider motor vehicle access to Fair Oaks pending ACHD’s review.
- Vehicular connectivity to the traffic signal needs to be overt.

Comments on the purpose and general discussion included:

- While this is a review of the master plan, there needs to be code language that meets the intended quality of construction and design. Codifying these requirements objectively through the criteria of this SAP application.
- Code should implement SAP finding #4 as creating and identifying a distinct area with distinguishing characteristics - the SAP should create something special and unique.
- Diversity in housing: It should be articulated that this is addressed through the entire plan rather than within subdistricts.
- Sustainability: If removing the sustainability code section, then define what is making this a sustainable project.

February 6, 2023

During the February 6, 2023, consultation the following items were discussed:

- Process
- Master Plan circulation

September 29, 2022, Pre-application Discussion

During a pre-application discussion with the Design Review Committee, the applicant noted:

- A traffic impact study is underway.
- A 10' multi-use pathway will be provided 30' from the right-of-way on State Street.
- The development may consist of 4-5 story buildings along State Street.
- The proposed cul-de-sac access would only be for bicycles/pedestrians to the greenbelt.
- The irrigation ditch will be reconfigured to become part of the golf course landscaping.

The committee noted:

- The relationship between the buildings and State Street needs to be better addressed.
- What notifies users that the residential entrance is the primary entrance?
- Need to speak with VRT.
- Landscaping will need to be provided between the multi-use path and the vehicular travel-lane to buffer the users.

Planning and Zoning Commission Hearings

March 15, 2023

This hearing was continued to a date certain of April 27, 2023, to provide time to receive additional agency comments, such as ACHD allowing incorporation of the Design Consultant comments from March 6, 2023.

City Council Hearings

March 27, 2023

This hearing was continued to a date certain of May 22, 2023, to accommodate the Planning and Zoning Commission hearing continuance.

PROJECT INFORMATION

Proposed Scope of Work

This application is for a Specific Area Plan per Garden City Code 8-7A-2 Definition of Terms:

Specific Area Plan: The concept plan for a property, including a narrative and illustrations meeting the application requirements of Garden City Code 8-7B-1. I (Master Plan), plus the proposed unique permitted, conditional, and prohibited land uses, and the form standards for land within the SAP.

Specific Area Plan District (SAPD): Following the adoption of a SAPPO, the zoning map identification of the particular property on the zoning map as a specific area plan district such as, e.g., SAPD-1.

Specific Area Plan Project Ordinance (SAPPO): Any city-approved specific area plan that is adopted by ordinance as a separate chapter in Garden City Development Code.

Purpose of a Specific Area Plan

Establishing a specific area plan district (SAPD) for a property provides a means to create zoning regulations and a master plan for unique areas and developments where a different zoning district may not achieve desired results.

Each SAPD includes its own nontransferable set of zoning regulations. The regulations may include design guidelines, site plans, infrastructure plans, phasing plans, and other elements. The type of uses, form standards, location and amount of development, and design criteria for a particular property shall be established by adopting the SAPD into the Development Code by specific area plan project ordinance (SAPPO).

The goal of the Specific Area Plan tool is to ensure the orderly planning and development of land, by requiring new development to:

1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations, and the land use goals and policies, if applicable.
2. Contribute to the social, economic, and environmental sustainability of the city.
3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility.
4. Provide for a safe and comfortable integrated transportation system that prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips.
5. Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities.
6. Designate and protect open site areas in perpetuity.
7. Provide for a mix of uses, including housing types.
8. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components.
9. Remain consistent with the intent of the Garden City Development Code.

Site Information

- 1) Owner: LB River Club Owner LLC
- 2) Street Address: 6515 W. State Street, Garden City, Idaho 83714
- 3) Ada County Tax Parcel Number(s):
 - a) S0630223350
 - b) S0630212910
- 4) Property Description: Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C

-
- 5) Legal Lot of Record: Unable to determine
 - 6) Property Size: 22.68 of 100.72 acres
 - 7) Zoning District: R-2 Low Density Residential
 - 8) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Green Boulevard Corridor
 - c) Residential Low Density
 - d) Future Park/ Open Space
 - 9) Floodplain Designation
 - a) A portion of the project is in the floodplain according to the 2003 FIRM.
 - b) A portion of the project is in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20
 - 10) Adjacent Uses:
 - a) Dwelling unit, single family detached
 - b) Dwelling unit, multiple family
 - c) Business complex with various non-residential uses
 - 11) Existing Use: The site is a portion of a golf course
 - 12) Site Access:
 - a) Current access is from W. Plantation Drive
 - 13) Sidewalks: There are no existing sidewalks adjacent to State Street.

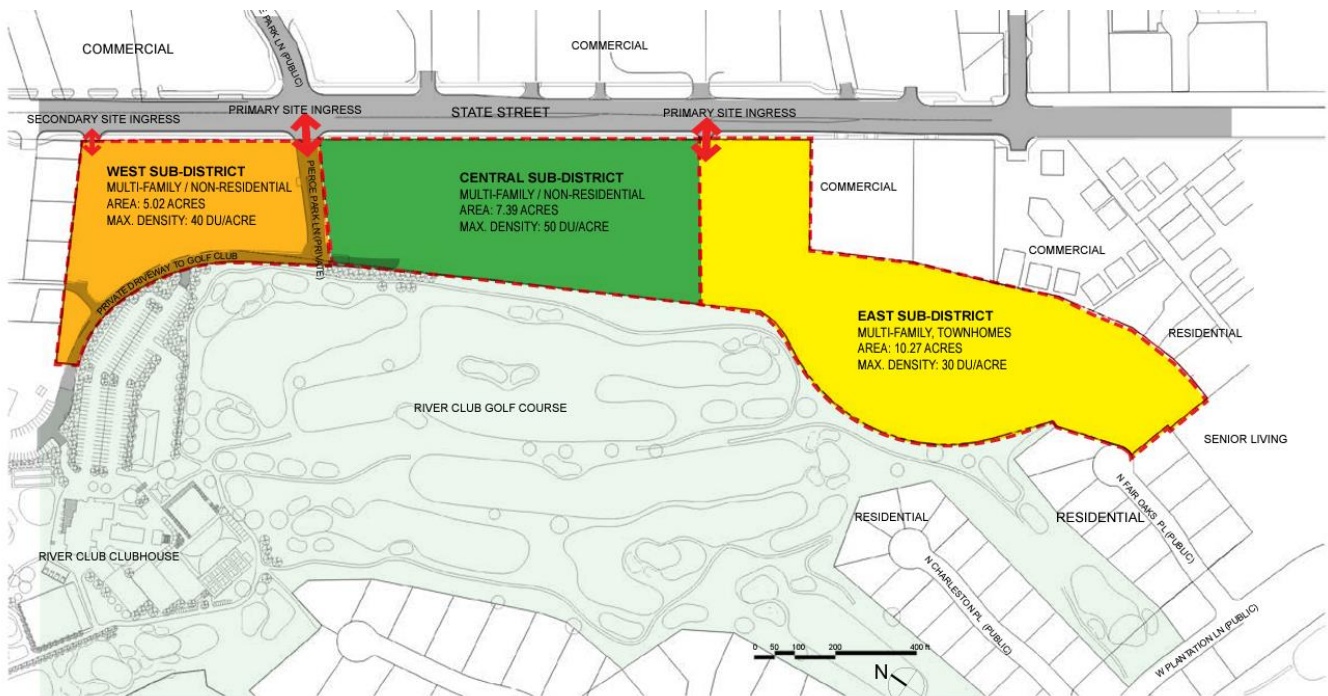
Proposed Master Plan

The Master Plan boundaries are proposed to be adopted into code. A summary of the Master Plan is below.

Land Use

The average density of the project is 33 units/ acre with a build out of up to 750 dwellings and up to 40,000 square feet of commercial. There will be a minimum density of 14 units/ acre with density to be focused on transit and activity nodes.

The proposal is divided into three sub-districts.



West Sub-District: The West Sub-District is bounded on the north by State Street; on the south by The River Club Golf Course; on the west by Plantation Acres No. 1 Subdivision and Elmore Lake Townhomes; and on the east by the eastern boundary of Pierce Park Lane extended south from State Street and the Central Sub-District. The west subarea is proposed to be mixed-use with a density of 40 units/acre. The typical housing will be multi-family with allowances for non-residential retail and offices. The setback from the adjacent residences will be a minimum of 75' (the setback shown in the conceptual site plan is 140').

Central Sub-District: The Central Sub-District is bounded on the north by State Street; on the south by The River Club Golf Course and the East Sub-District; on the west by Pierce Park Lane. The central subarea is proposed to be mixed-use with a density of 50 units/acre. The typical housing will be multi-family with allowances for non-residential retail and offices. The stated intent of the Central Sub-District is to be akin to Boise's Bown Crossing.

East Sub-District: The East Sub-District is bounded on the north by State Street, Plantation View Village, Boise Mobile Park, Savannah Greens No. 4 Subdivision, and Kessinger Subdivision; on the south by The River Club Golf Course; on the west by the center line of the Pierce Park Lane (private road) extended south from State Street; and on the east by Evi Plantation Place and Wedgewood Greens Subdivision. The east subarea is proposed to be residential with a density of 30 units/acre. Typical land use will have the appearance of a single family, in the form of detached units. The setback from the adjacent residences will be 168-320 feet.

Circulation

Motor Vehicle Access

The submitted Traffic Impact Study (TIS) indicates that there are an anticipated 4,945 vehicle trips per day associated with this proposal. There are three proposed accesses to the project.

Serving the west subarea and a portion of the central subarea is the intersection of State Street and Pierce Park Lane. It is projected that 55% of the traffic will be westbound, 5% northbound, and 45% eastbound from this intersection. This is a signalized intersection.

Serving a portion of the central subarea and the east subarea is an unsignalized access from State Street that is left-in, right-in, and right-out. The third access is a right-in and right-out access at Plantation Drive.

Bicycle and Pedestrians

There is a public multi-use path that will run along State Street. There is another private pathway that flanks the southern perimeter of the three sub-districts.

Open Space

Linear Park

There will be a 40' in width (average) linear park, akin to a greenbelt, that runs along the southern boundary line extending between the sub-districts and the golf course.

Canal Waterway

There is a ditch that will be piped through The Residences at River Club site and daylighted to run through the golf course creating a proposed water feature south of Pierce Park Lane.

Phasing

The construction will begin in the west and include the construction of the extension of Pierce Park Lane. The construction phases will move eastward. As each sub-district is developed all the infrastructure, amenities, and landscaping will be completed with each sub-district.

PROPOSED CODE

The applicant's approach to the Specific Area Plan Ordinance for The Residences at River Club Specific Area District was to propose adopting the entirety of the Garden City Development Code with amendments tailored to The Residences at River Club Specific Area District. This includes the readoption of sections by reference and amendments to sections that are tailored to The Residences at River Club Specific Area District.

Sections Adopted by Reference

- 8-1B Existing Nonconforming Properties, Structures, and Uses
- 8-4G Sustainable Development Provisions
- 8-4H Flood Hazard
- 8-5 Land Division Regulations
- 8-6 Administration
- 8-7B Application Requirements

Code Specifics to Master Plan

Height Maximums

- Multi-family and Retail: 65'
- Single Family (including detached and townhouse): 35.'

Setbacks (from project perimeter):

- State Street: 15'
- Along Golf Course: 10'

- Side: 10'
- Between buildings except for parking structures: 10' total
- Pierce Park Lane: 10'
- Any other right-of-way: 3'
- Parking structure: 3'

Setback Exceptions and Notes

- A maximum perimeter setback of 30' shall apply to 40% of the State Street frontage.
- Setbacks adjacent to streets are measured from the back of the curb.
- Parking-related structures such as garages and carports are exempt.

Density

- Subdistrict West: 40 units/ acre
- Subdistrict Central: 50 units/ acre
- Subdistrict East: 30 units/ acre

The proposal allows for a maximum density of 750 units as well as a density transfer between subdistricts. The East subdistrict cannot be a recipient of additional density.

Land Uses

The proposed permitted land uses are noted with a P, uses that would require a conditional use permit are noted with a C. All other uses would not be permitted.

Accessory use*	P	Drive-through establishment*		Healthcare and social service	P	Nursery*		Storage facility or yard*	
Agriculture*		Dwelling unit, accessory*		Home occupation*	P	Nursing and residential care*	P	Storage facility, self-service	
Amusement center*	C	Dwelling unit, group		Hospital*		Parking facility	P	Storage yard, commercial recreational vehicle*	
Animal care facility*		Dwelling unit, multi-family*	P	Industry, flex*		Personal service*	P	Temporary use*	P
Artist studio*	P	Dwelling unit, single-family attached; townhouse	P	Industry, information*		Professional service*	P	Tobacco entertainment facility*	
Bed and breakfast*		Dwelling unit, single-family detached	P	Industry, light*		Public service facility		Tobacco retail store	
Bicycle sales, service, storage, rental	P	Eating establishment, full service	P	Kennel, hobby*		Public uses	C	Vehicle rental*	
Building material, garden, and equipment*		Eating establishment, limited service	P	Laboratory - medical, dental, optical	P	Recreational vehicle park*		Vehicle sales*	
Church or place of religious worship*		Equipment rental, sale, and service*		Laundromat, self-service cleaner*	P	Research and development	P	Vehicle service*	
Club*	C	Financial institution*	P	Laundry and dry cleaning, commercial plant		Retail production*		Vehicle washing facility*	

Commercial entertainment facility*		Food products, processing*		Laundry and dry-cleaning establishment	C	Retail store	P	Vehicle wrecking yard	
Daycare, center*	C	Food products, small scale processing*	P	Lending institution		School*		Warehouse and storage, wholesale*	
Daycare, neighborhood*	P	Food store*	P	Lodging*		Service provider*		Wireless communication facility*	
Daycare, personal*	P	Fuel sales*		Manufactured/mobile home or manufactured mobile home park		Sexually oriented businesses*			
Drinking establishment, full service*	P	Fuel yard		Mobile Service*	P	Small cell facility*	P		
Drinking establishment, limited service*	P	Health club*	P	Mortuary*		Special event*	P		

Synopsis of Other Proposed Code Revisions

The applicant has provided a summary of the proposed ordinance linked to the [Applicant's summary and definitions](#). The below is staff's synopsis of the changes as they relate to GCC Title 8:

- **General:**
 - Grammatical changes that do not change intent.
 - Language updated to reflect The Residences at River Club SAP District rather than Title 8 of the Development Code.
 - Standards applied to public right-of-way are updated to be applied to all rights-of-way, such as outdoor screening, property maintenance, etc.
- **Nonconforming Properties, Structures, and Uses: Removed.**
- **Base Zoning District Regulations:**
 - Amended to The Residences at River Club Specific Area Plan District Regulations (see section [Code Specifics to Master Plan](#))
 - Removed 70' from river setback¹.
 - Removed minimum lot size².
- **Land Use Provisions**
 - Removed provisions that do not apply to uses that will not be allowed within The Residences at River Club SAP District.
 - Rearranged order of uses.
 - Added provisions to:
 - Special Event
 - Temporary Uses
- **Removed Overlay Districts**
- **Design and Development Regulations**
 - Outdoor lighting from 9' in a residential district to 30'
 - Residential Design removed provision to place emphasis on the front door.
 - Multi-family: defined significant pitch of roof.

¹ The regulation is not applicable to the site.

² The regulation is not applicable to the application.

- Non-residential and Mixed Uses
 - Requirement of change in rooflines removed.
 - Sloped rooflines only require roof elements to emphasize modulation.
 - Moldings and or sills changed from 4" to 3.5".
 - Individual window units should be separated from adjacent window units by 4" rather than 6".
 - Properties updated to utilizing use for screening criteria.
- Parking³
 - Allowance for parking to be 3' rather than 4' to the right-of-way.
 - Space size 8.5'X18'.
 - Multifamily:
 - Up to 1 bedroom = 1 space; not required to be in garage.
 - >1 bedroom = 1.25 spaces, not required to be in garage.
 - Active Adult Residential = 1.25 spaces, not required to be in garage.
 - Residential Detached/ Townhome = 2 spaces required to be in garage.
 - Non-residential = 1 space per 300 square feet.
 - Mixed-use = a sum of uses.
- Transportation and Connectivity
 - Allowance for private streets to be 20'.
 - Reduction of sidewalk for private sidewalks and encroachments to 4'.
- Sign Provisions
 - A master sign plan shall be provided.
 - Allowance for a roof sign has been added.
 - No billboards shall be allowed.
 - Sign size is the same as allowed in DS4 and SD5.
- Sustainability Requirements: Deleted.
- Landscape and Tree Protection:
 - Sustainability requirements deleted.
 - Except for perimeter landscaping, landscaping areas are required to be of 40% living material rather than 70%.
- Perimeter Landscaping
 - Required between The Residences at River Club SAP District and neighboring uses.
 - Perimeter plantings shall be at 40' rather than 15'.
- Parking Lot Standards
 - Tree encroachment standards in parking lots were identified.
 - Instead of a tree for every five spaces, trees shall be a maximum of 45' apart.
 - Allowed for diamond-shaped tree planters within parking lots.
- Manufactured and Mobile Home Park Provisions: Deleted
- Open Space Provisions
 - Multi-family on ground level and 50% of non-ground level units shall provide 50 square feet of private open space rather than all units providing 80 square feet.

³ The applicant continues to monitor the city's efforts regarding the city parking ordinance amendments. The applicant has indicated that they anticipate being able to review the city's adopted standards, once adopted, to compare with the SAP proposal.

- Added terraces and balconies to qualifying space.
- Entryways shall not count as open space.
- Open space dimensions are to be a minimum of 10' in width rather than 20'.
- Walls between collectors and arterials have been amended to be 2' in height rather than 4' in height.
- Definitions:
 - Updated to remove unused terms.
 - Updated residential terms to be specific to the SAP.
 - Updated terms that included words such as zone, parcel, etc. so that they would apply to the SAP.
- Legal Description of Property: Added

PROCESS AND DECISION

General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

Decision Process

The following decision processes are required for the project as governed by GCC Table 8-6A-1.

Decision	Design Review Consultants Consultation	Recommendation Authority	Decision Authority
Specific Area Plan	Required	Planning and Zoning Commission	City Council

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Required Findings

The decision maker must decide that the following findings are compliant with written reasoned statements to approve a Specific Area Plan:

1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable.
2. The SAP application, as conditioned, meets the minimum requirements of this chapter [GCC Title 8 chapter 6].
3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose of this process.
4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.

5. The SAP application has been noticed and a public hearing held in accordance with this code [GCC Title 8].

6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.

If an application does not meet one or more of the criteria above, the application shall be denied, and the reason the application does not meet the finding or findings shall be in writing.

Inherent in the application is the rezoning of a property and a development code amendment. While the following findings may not be required, staff suggest that the decision also include a review of the findings for a rezone and development code amendment. These findings are below:

Development Code Amendment Findings 8-6B-5 D.

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

Rezone Required Findings 8-6B-10 F.

1. The zoning map amendment complies with the applicable provisions of the comprehensive plan;
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
5. The annexation of land, if proposed, is in the best interest of the city and complies with the procedures as set forth in Idaho Code section [50-222](#).

Authorities and Actions

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Consultant and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.

Design Review Consultation

This application is required to be reviewed by the Design Review Consultant(s). Their recommendations will be provided to the Planning and Zoning Commission for the Planning and Zoning Commission review.

Recommendation

The Planning and Zoning Commission may take one of the following actions:

1. Recommend that the City Council grant the application as applied;
2. Recommend that the City Council grant the application with conditions as drafted or as amended;
3. Recommend that the City Council deny the application; or
4. Continue the decision.

The recommendations of the Planning and Zoning Commission do not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

Reconsideration and Judicial Review

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council.

Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

Conflict of Interest and *Ex Parte* Communication

Decision makers are requested to provide full disclosure conflict of interest, or *ex parte* communications.

Conflict of interest means any decision or formal recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, with some exceptions as outlined starting on page 27 of the [July 2019, Office of the attorney General Idaho Ethics in Government Manual](#). A conflict of interest would result in the decision maker recusing themselves from deciding or making a formal recommendation on the application. Similarly, staff with a conflict of interest will not administer an application with which they have a conflict of interest.

An *ex parte* communication is a written or oral communication made without proper notice and not on the public record regarding a substantive issue in a pending matter between an interested party and a decision maker on a quasi-judicial matter. *Ex parte* contact in a quasi-judicial matter can be cured if meaningful disclosure is made. The timeframe, matter, and with whom the contact was made should be disclosed. It is requested that any decision maker provide an accounting of discussions or viewings of the property that have occurred since the filing of the application. The limitations on *ex parte* contacts are directed at decision-makers. Communications with agency staff are not considered improper. Pages 397-406 of the linked [November 16, 2022, Givens Pursley Land Use Handbook](#) discusses *ex parte*.

APPLICATION REVIEW

Specific Points of Concern

Ownership

Public comments have noted that the applicant does not own the property and the staff has failed to fully investigate whether the applicant has the consent of the property owner to submit this application. The applicant has indicated that supplementary documentation will be provided to the city. They have already provided documentation representing that they have ownership and control.

On April 10, 2023, the city attorney, Charles Wadams indicated to the Development Services Department that since the applicant has represented that they have ownership and control, and they have provided evidence of such, any incorrectness in the information would be a civil matter between the parties and not with the city.

Draft condition of approval number 3 notes that documentation verifying legal ownership shall be approved by the Garden City Legal Department prior to rezoning the property. Draft condition number 4 nullifies approvals if there is a determination that the legal owner has not consented to this application.

Master Declarations

Master Declarations, or Covenants, Conditions, and Restrictions (CC&Rs) are a legal document that is filed with the county recorder's office and made part of the real estate records that run with the land. They are a private contractual agreement. Because the covenants are private in nature the enforcement of them is also private. Therefore, the city does not enforce CC&Rs, but rather they are enforced by the Homeowner's associations.

Spot Zoning

There are allegations that this application constitutes spot zoning. Spot zoning is not legal. Spot zoning is a change in zoning of a property to provide benefits to that particular property that are not allotted to surrounding properties and that is not in compliance and accord with the comprehensive plan.

Pages 53-57 of the linked [November 16, 2022, Givens Pursley Land Use Handbook](#) describes the legal parameters of spot zoning in more detail.

Vehicular Access

There are three proposed access points to the project. The first access is a right-in, right-out access at Plantation Drive. Serving the west subarea and a portion of the central subarea is the intersection of State Street and Pierce Park Lane. This is a signalized intersection. Serving a portion of the central subarea and the east subarea is an unsignalized access from State Street that is left-in, right-in, and right-out.

Left-in, Right-in, Right-out Access

Staff suggest careful consideration of whether the left turn from State Street into the project is appropriate. The ACHD staff report notes that the anticipated Pierce Park intersection and secondary access onto State Street is warranted to accommodate the anticipated daily trips. The ACHD report requests the removal of the most westerly right-in, right-out drive (at the

general location of Plantation Drive), and a formal vacation of Plantation Drive once the Pierce Park Lane/ State Street intersection is completed. To accommodate secondary access to State Street ACHD has recommended that the proposed westerly drive be limited to a right-in, right-out driveway fully restricting left turn movements. They also recommend that the private east/west road be redesigned to better access Pierce Park Lane.

The linked [Federal Highway Administration Access Management in the Vicinity of Intersections](#) publication notes that approximately 72% of crashes at a driveway involve a left-turning vehicle. The publication also states:

Providing access (i.e., driveways, entrances, or exits) onto roadways with the lowest traffic volumes and speeds generally improves safety near intersections. In planning, designing, and managing access, critical consideration must be given to arterial and collector streets as these streets serve both mobility and access functions. To the extent possible, it is best to manage driveways so that access is provided to and from the roadway with the lower functional classification as these roadways typically have lower traffic volumes and speeds. This helps to reduce the frequency of conflicts, which minimizes both the opportunity for crashes and the severity of those crashes, should they occur.

As well as:

It is desirable to minimize the number of conflict points created with existing and future driveways since more conflict points increase the risk of a crash occurring. For example, a crash due to crossing maneuvers (created by motorists turning across the roadway or making left turns) can lead to more severe crashes than merging or diverging conflicts because of the angle and speed differentials between the vehicles. As the angle and speed differentials increase, crash severity can also increase.

The city's Design Consultants also have recommended that the interior private drive provide a direct and apparent route throughout the project area to the Pierce Park Lane intersection. The City of Boise made this comment as well.

School Bus Access

Per a phone conversation between Garden City Staff member Jenah Thornborrow and Lanette Daw, Superintendent of Transportation and Traffic Safety for the Boise School District on March 1, 2023, Ms. Daw indicated that school bus stops on State Street are not preferable. As the road network interior of the project is comprised of private roadways a connection to a local public roadway is desired. This was reiterated in a formal agency comment received on March 10, 2023.

Fire Access

It is undetermined if North Ada County Fire and Rescue will require secondary access for this proposal.

Bicycle Network

The initial application provided for a low stress public bicycle connection from the greenbelt via Plantation River Drive - Plantation Lane - Fair Oaks Place⁴ to a new off-street path to the Pierce Park Lane intersection. The proposal for the off-street public path has been removed by the applicant, noting the neighborhood's opposition to the pathway.

The Design Review consultants have recommended that a public bicycle and pedestrian path be required to connect from the Pierce Park Lane intersection to Fair Oaks Place. The connection is supported by planning efforts, including the Garden City Comprehensive Plan, State Street Corridor planning efforts, Garden City Transportation Needs Plan, and the Garden City Code⁵. Additionally, ACHD's Boise Pathways Master Plan, 2019, [linked map](#) shows the Plantation River Drive connection from the greenbelt to State Street classified as a planned "critical ACHD Low-stress connection". This connection is also found in the [Boise Pathways Master Plan, Nov. 2021](#).

The applicant has provided this linked documentation, [greenbelt connection](#) which shows a public connection and easement to the greenbelt on the plat⁶. Note #5 on sheet 1 of the Investor's Plantation on the River plat, which reads in part: ". . . LOT 99 IS A PUBLIC BIKE PATH EASEMENT . . .". This is plain language dedicating the Lot 99 as a public easement for the use of bicycles.⁷ The Plantation Homeowner's association is contesting that the connection to the greenbelt is a public easement.⁸ Currently, there is access to Plantation Island from the south of the river west of the island. The city has an active application with COMPASS and has agreed to partially fund secondary access to Plantation Island from the south of the river from the east of the island.⁹ Whether the connection to the greenbelt is public is an issue of bike and pedestrian connectivity that is tangential but not fundamental to this application. Subsequently, it is suggested that this matter be addressed separately from the application.

Without the connection to Fair Oaks Place, bicyclists and pedestrians must travel within the Plantation Lane and Plantation River Drive Streets and then adjacent to State Street to the Pierce Park Lane intersection. The ACHD's Official Bike Map, 2022, [linked](#), identifies the State

⁴ Fair Oaks Place is a public street.

⁵ Refer to [Plans and Policy](#) section of this report.

⁶ Idaho State Statute 50-1302 Definitions: (2) Easement: A right of use, falling short of ownership, and usually for a certain stated purpose.

Idaho State Statute 50-1302. DUTY TO FILE. Every owner creating a subdivision, as defined in section [50-1301](#), Idaho Code, shall cause a land survey and a plat thereof to be made which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat. This section is not intended to prevent the filing of other survey maps or plats. Description of lots or parcels of land, according to the number and designation on such recorded plat, in conveyances or for the purposes of taxation, shall be deemed good and valid for all intents and purposes.

⁷ *Rowley v. Ada Cnty. Highway Dist.*, 156 Idaho 275, 278, 322 P.3d 1008, 1011 (2014) confirms that an express easement may be created by including a note on a plat so as long as there is plain language provided to provide evidence of the developer's intent.

⁸ The homeowner's association has provided a quit claim deed of lot 99 from Plantation Partner One to Investors Plantation on the River Association in 1994. The Homeowner's Association is also alleging that the CC&Rs state that the easement is for homeowners only. At this time there is no evidence that the easement on the plat has ever been vacated, nor at this time has there been documentation submitted that the quit claim deed or CC&Rs would nullify the easement.

⁹ Bicycle counts at the permanent bicycle counter on the greenbelt just west of Glenwood for the years for 2018-2022 can be found at this [link](#) on Community Planning Association of Southwest Idaho's website.

Street route as “Increased Stress for Most.” “Increased Stress for Most” is defined as *streets with high volumes and high speeds that increase stress for most users. Typically recommended for strong and experienced bicyclists only.*

While the State Street and Pierce Park Lane intersection design calls for a multi-modal path along State Street it will not be installed on the south side in conjunction with the intersection. Even with the applicant installing the path along State Street the path will not be reconstructed from the subject property to Plantation River Drive. Though the section between the subject property and Plantation River Drive does have an attached 5’ sidewalk, it is less than ideal. Sections of the sidewalk are not raised and there are several curb cuts to allow access from State Street, a street that is signed at 40 miles per hour. [The Foundation for Traffic Safety Impact Speed and a Pedestrian’s Risk of Severe Injury or Death, September 2011 Publication notes:](#)

It is well known that the risk that a pedestrian struck by a vehicle will be seriously injured or killed increases as impact speed increases. This study provides estimates of the risk of severe injury or death in relation to impact speed for the pedestrian population and vehicle fleet of the United States. At low speeds (e.g., below about 15 mph), risks are low and increase relatively slowly with small increments in speed. At impact speeds below 15 mph, most pedestrians who are struck (about 91%) do not sustain AIS 4 or greater injuries, and very few (about 2-5%) die. However, as speeds increase beyond this range, small changes in speed yield relatively large increases in risk. At an impact speed of 25 mph, an estimated 30% of pedestrians sustain AIS 4 or greater injury, and about 12% die. Nearly half of all pedestrians (47%) struck at 30 mph sustain AIS 4 or greater injury, and one in five (20%) die. At 40 mph, 79% of struck pedestrians sustain AIS 4 or greater injury and 45% die. Risks for a pedestrian struck at any given speed by a light truck are higher than if struck at the same speed by a car and are higher for an older pedestrian struck at any given speed than for a younger pedestrian struck at the same speed.

The path would provide a safer, direct, and more comfortable route for the use of the proposed bus stop. Eliminating the connection between Fair Oak Place to the proposed bicycle pathway would also preclude the current residence from having direct access to the project’s proposed commercial components and public bus stop. Of note, the removal of the proposed path would preclude a safer, direct, and comfortable route to Pierce Park Elementary and to some extent Riverglen Jr. High.

The linked maps show the area of Garden City that attends these schools: [Map of Elementary Schools](#); [Map of Junior High Schools](#).

The below image is the [Boise School District Safe Routes to Schools map to Pierce Park Elementary](#). The route crosses State Street at Pierce Park. As previously noted, the reconfiguration of the State Street and Pierce Park intersection is an active project with ACHD, that is anticipated to be constructed in 2025. One stated intent of the intersection project is to increase the safety of this intersection for all users including bicyclists and pedestrians.



Housing

The Design Review Consultant's recommendations included requiring affordable housing as the Specific Area Plan requires compliance with the Comprehensive Plan's Objectives 6.2 and 6.3.

6.2 Continue to be a leader and set an example for the region in creating a diversity of housing.

6.3 Maintain the diversity of housing.

Objective 6.3.2 Continue to explore opportunities that encourage mixed-income housing in new developments.

The applicant has indicated that they believe that the application as proposed addresses a diversity of housing. They conclude that the diversity in housing comes through the number of units with a varying number of bedrooms which results in a stratification of price points. Additionally, the application will be providing a bus stop. This would allow for the other household costs to be defrayed to be utilized toward the cost of housing.

Regulatory requirements to provide affordable housing as a certain number of units legally bound to a price point of not more than 30% of the household income of 80% Area Median Income (AMI) or less is not desired by the applicant. This type of housing is typically provided through subsidies. The applicant has also noted that *Alpine Village vs. City of McCall* may have demonstrated that this requirement could constitute an unconstitutional tax.

Standing

The applicant has noted that anyone wishing to have standing should be identified for the record.

Open Space

The property is subject to four Comprehensive Plan land use designations. One of the designations is Future Park/ Open Space. The application proposes the linear park to achieve open space.

The application does not include the River Club Golf Course. On April 7, 2023, the applicant applied for a minor land division to provide a property split and allow for the reconfiguration of the golf course separately. A suggested condition of approval is to require the completion of the property split.

Comments on Proposed Code

The below comments on the proposed code are in addition to the Design Consultant's recommendation:

- Setbacks from any sidewalk or multi-use path need to be at least 18" including walls, large bushes, etc. to not create shy space that encroaches into the usability of the sidewalk/path.
- Consider adding 8-8 Specific Area Plan Ordinances with the River District being 8-8A.
- Alternative parking criteria are lacking in criteria and are subjective. It is suggested that it be removed.
- Property maintenance from private right-of-way may be difficult to enforce lawfully.
- Update code to identify that the multi-use pathway on State Street shall be 10' in width.
- Non-conforming standards are removed. How will non-conforming uses be addressed if the SAP code is amended over time? It is suggested that the non-conforming standards be adopted by reference.
- Clearer image of the Master Plan area is needed for codification.

Garden City Code, Title 8, and Idaho State Statute Review

The below serves as an analysis of applicable provisions Garden City Development Code, Title 8, and Idaho Code.

Garden City Title 8 Applicable Code Sections

Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2A-1 Base Zoning Districts Established	No Compliance Concerns Identified	Specific Area Plan is a base zoning district established.
8-2A-2 Official Zoning Map	No Compliance Concerns Identified	The official zoning map will be updated if this application is approved.
8-2A-3 Zoning of Annexed Land	Not Applicable	This application is not in conjunction with an application for the annexation of lands into Garden City.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	No Compliance Concerns Identified	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	No Compliance Concerns Identified	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> • Site Plan • Dedications and easement legal descriptions <p>A full review of the proposal is possible without these documents. They can be reviewed in conjunction with future applications.</p>
8-6A-7 Public Hearing Process	No Compliance Concerns Identified	The applicant provided two neighborhood meetings on August 25, 2022, and on October 25, 2022. The meetings qualify to meet code's requirement of being more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-6 Specific Area Plan Applicability	No Compliance Concerns Identified	An SAP may be utilized anywhere within the city on properties that would benefit from a master plan and phasing approach. An SAP application is encouraged for the development or redevelopment of properties defined in the comprehensive plan as TOD activity nodes, or as neighborhood destination activity nodes, or as future planning areas. An SAP application shall be required prior to the development or redevelopment of properties defined in the comprehensive plan as future planning areas that are not incorporated into the city on or before February 8, 2021.

		<p>The subject area is an Activity Node: Neighborhood Destination designation in the Comprehensive Plan. Code encourages but does not require an SAP to be utilized for the development of the subject property.</p>
<p>8-6B-6 Specific Area Plan General Provisions</p>	<p>Complaint as Conditioned Conditions regarding recommended code changes and master site plan considerations have been incorporated into the draft decision document.</p>	<p>1. Approval of an SAP application will constitute approval of a master plan meeting the elements of section 8-7B-1.I, which establishes a framework to guide all future development within the area defined by the SAP application.</p> <p>2. Development applications may be filed in conjunction with an SAP application; however, no construction shall commence on any component of an approved SAP application except upon receipt of design review, conditional use, variance, or subdivision approval consistent with the adopted SAPPO.</p> <p>3. All development within an approved SAP application site shall be regulated by applicable provisions of this title and other code provisions in effect at the time the SAP application is submitted and certified as complete by the city, except as modified by the adopted SAPPO. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision. Omission of criteria from the SAPPO that are found elsewhere in the development code are not considered a conflict between the SAPPO and the development code.</p> <p>4. Specific Area Plan Application Components:</p> <ul style="list-style-type: none"> a. The SAP application shall be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the proposed SAP district. b. The SAP application shall identify street cross section design (excluding ACHD and ITD adopted street sections), road alignments, setbacks, interface with the adjacent neighborhood, allowed, conditionally allowed, and prohibited uses, and general mix of uses and provide a general utility plan. c. The SAP application shall identify: <ul style="list-style-type: none"> (1) Setbacks, setback exceptions, lot coverage, and height. (2) Density. (3) Uses that are permitted, conditionally permitted, and prohibited. If any uses are different than section 8-7A-1 defined uses, the definition of such uses shall be provided. d. The SAP application should adhere to the general design standards concepts in Garden City Code specifically related to the development interface with street and public realms and street trees. e. The seventy-foot (70') minimum setback to the ordinary high-water mark of the Boise River cannot be amended. f. The provisions of the development code of Garden City such as, but not limited to, relating to drainage and floodplain, shall govern all standards and/or processes that are not specifically identified, set forth, or modified by the SAP application. g. If there is a conflict between other provisions of the development code of Garden City and the adopted SAPPO regulations, the SAPPO regulations shall govern. <p>5. Design criteria shall repeat the standards of chapter 8-4 of this title in the SAP application unless there are proposed SAP application standards that would contradict existing city standards. The following SAP application</p>

		<p>components may be different than what is contained in existing city code, but shall be included in the SAP application:</p> <ul style="list-style-type: none"> a. Parking and off-street loading provisions required number and allowable sizes; and b. Design criteria including but not limited to: <ul style="list-style-type: none"> (1) Architectural guidelines. (2) Transportation and connectivity. (3) Sign provisions. (4) Landscaping and tree protection; and (5) Open space.
<p>8-6B-6 Specific Area Plan Procedures</p>	<p>No Compliance Concerns Identified</p>	<ol style="list-style-type: none"> 1. Neighborhood Meeting; Preapplication Conference: The applicant shall hold a neighborhood meeting prior to holding a preapplication conference with the city. A preapplication conference shall be held with the planning official and as appropriate, other city and public agency staff in order for the applicant to become acquainted with the SAP application procedures, any related city requirements, and schedules, and allow for scoping the SAP application required elements. The staff will give preliminary feedback to the applicant based on information available at the pre-application conference and will inform the applicant of issues or special requirements which may result from the proposal. A pre-application conference is not the same as a formal review and may not result in all issues being identified. 2. Application: The SAP application shall be submitted in accordance with article A, "General Provisions," of this chapter. 3. Public Hearings: Public hearings shall be held on the SAP application as set forth in article A, "General Provisions," of this chapter. 4. Official Zoning Map: Upon approval of the SAP application, the official zoning map of Garden City shall be amended showing the affected property zoned as an SAPD zone. 5. Development Code: Upon approval of the SAP application, this title shall be updated to include the SAPPO. 6. Development applications shall be administered as required by section 8-6A-2, Table 8-6A-1, Authorities and Processes. 7. Amendments: A previously adopted SAPD zone may be amended at any time and may be amended simultaneously with the processing of a development application. Amendments that include the following will follow the procedures for a development code amendment: <ul style="list-style-type: none"> a. Changes that would modify or reallocate the allowable building height, allowed uses, mix of uses, or density of a development; or b. Changes that would substantially alter the function, use and enjoyment or amount of land dedicated to open space, amenities, trails, natural areas, or public facilities; or c. Modify any other aspect of the SAPD zone that would significantly change the overall character of the SAPD zone; or d. A series of minor amendments that cumulatively change the overall character of the SAPD zone; or e. A change or series of changes that would change the character of the interface of the SAPD zone with the surrounding neighborhood; or f. Any change that the planning official deems a major change to the intended nature of the SAPD zone.

		<p>8. Design Review Amendments: Amendments that include the following will be reviewed by the design review consultant(s):</p> <ul style="list-style-type: none"> a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, which do not modify SAPD zone regulations or the phasing plan; or b. Modifications to the infrastructure plan are not tied to the phasing plan.
Idaho Code 67-6511	No Compliance Concerns Identified	<p>The Local Land Use Planning Act requires that zoning ordinance including zoning districts:</p> <ul style="list-style-type: none"> Establish procedures that regulate development. Provide clear and objective standards. Be evaluated by the Planning and Zoning Commission. The Commission must consider the delivery of services and provide for a regulatory takings analysis. Be compliant with the Comprehensive Plan.
Idaho Code 67-6519	No Compliance Concerns Identified	<p>Garden City Code and procedures for the application granting process are consistent with The Local Land Use Planning Act Application Granting Process.</p> <p>Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:</p> <ul style="list-style-type: none"> (a) The ordinance and standards used in evaluating the application; (b) The reasons for approval or denial; and (c) The actions, if any, that the applicant could take to obtain approval. <p>Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.</p>
Idaho Code 67-6511A	No Compliance Concerns Identified	<p>It has been conditioned that the Master Plan be adopted via a Development Agreement</p>

Plans and Policy Review

The below serves as an analysis of applicable policies and plans.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	<p>Idaho Code 67-6511 notes that after considering the comprehensive plan and other evidence gathered through the public hearing process, ordinance amendments may be adopted or rejected, so as not in conflict with the Comprehensive Plan. Subsequently, an application need not satisfy every aspirational goal of the comprehensive plan, so long as it is not in direct conflict with specific provisions of the comprehensive plan.¹⁰</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> a) Activity Node: Neighborhood Destination b) Green Boulevard Corridor c) Residential Low Density d) Future Park/ Open Space <div style="text-align: center;"> </div> <p>These designations are defined as:</p> <p>ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter-mile walkable area of the node center. Some nodes, especially around transit stations, would have a higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows:</p>

¹⁰ See [2022 Givens Pursley Land Use Handbook; page 42](#) for further discussion.

Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small-scale retail, art, office, and higher density residential.

GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges, and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians are needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses that generate high volumes of single-occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including the number and spacing of driveways, location of parking behind the buildings, and maximum setback requirements from the street.

RESIDENTIAL LOW DENSITY: The areas designated for low density residential are north of the river and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.

This application ***may be compatible with*** the following Goals, Objectives, and Action Steps identified in the Garden City Comprehensive Plan:

Goals

- 1 Nurture the City
- 2 Improve the City Image
- 6 Diversity in Housing
- 10 Plan for the Future
- 11 Serve the City
- 12 Evolve as a Destination

Objectives and Action Steps

- Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process.
- Create a premier destination place to live, work, and recreate.
- Encourage new and distinctive neighborhoods.
- Encourage high quality design and landscaping, including the use of water features, in new development.
- Explore the opportunities to create distinctive neighborhoods by defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development.
- Create a vision for the design of all streets and highways consistent with the city's urban setting.
- Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space.
- Create public gathering places at multiple locations throughout the city.
- Beautiful and landscape.
- Encourage the use of non-potable water sources that are available to new development, including the installation of pressurized irrigation systems where appropriate.
- Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

- Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.
- Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the groundwater and habitat.
- Create pedestrian and bicycle friendly connections.
- Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods and with pedestrian and bicycle connections to major city destinations including schools.
- Support efforts of Valley Regional Transit for fixed transit stops, bus turn-outs, and more frequent service as financially feasible.
- Evaluate the increasingly important destination Garden City is becoming within the region and the changing demand that places on public transportation.
- Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers.
- Participate in regional planning.
- Amend the Development code to facilitate transit-oriented development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation, and also follow the State Street Corridor Study recommendations.
- Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes
- Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods.
- Limit the location of the new neighborhood commercial districts to areas that are a maximum of two blocks in length or appropriate in size to the location, and that can provide transition and buffering to any adjoining residential land uses.
- Support a positive business environment.
- Create a premier destination for work, recreation, entertainment, culture, and commerce.
- Market the city to smaller businesses and support a positive environment for entrepreneurial businesses.

The application **conflicts with** the Goals, Objectives, and Action Steps identified in the Garden City Comprehensive Plan:

Goals

- 7 Connect the City
- 8 Maintain a Safe City

Objectives and Action Steps

- Invest in public safety.
- Participate in regional planning.
- Explore opportunities to work with Boise and West Ada School Districts to support public schools that serve Garden City children.
- Proactively develop new streetscape standards that are distinctive to the Garden City built environment. The standards should apply to state highways, major arterials, collectors, local streets, and alleys. The standards should reflect the unique characteristics of the street, the neighborhood, and adjacent land uses. Such planning should be in coordination with future development or redevelopment. The elements in the street standards should be as follows:
 - adjacent land uses;
 - vehicular, pedestrian, and bicycle needs;
 - lighting; and
 - landscaping and trees.

	<ul style="list-style-type: none"> • Create a vision for the design of all streets and highways consistent with the city’s urban setting. • Create more accessibility to the Boise River and Greenbelt. • Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. • Continue to explore opportunities that encourage mixed income housing in new developments. • Create pedestrian and bicycle friendly connections. • Work in partnership with groups such as AARP, the Looking Glass Academy, and the Garden City Community Collaborative in continually assessing the physical, social, health, mobility, educational and cultural needs of the city. • Develop alternative design and development standards to create safer and neighborly internal streets appropriate for the use. • Participate in regional planning. <p>The reason that it is suggested that this application is not supported is due to the transportation concerns noted including unrestricted left-turn onto State Street, the removal of the pedestrian path, and lack of school bus stop on a local public road.</p>
Garden City Sidewalk Policy	As conditioned, the application meets or exceeds the requirements.
Garden City Street Light Policy	This will be reviewed with the reviews of the development as it is proposed.
State Street	<p>Garden City has been a part of a public agency group for the State Street Highway 44 Transit Corridor implementation first signing an interagency Memorandum of Understanding (MOU) in 2006. The most recent MOU was signed on January 10, 2022, resolution 1107-22 for a five-year timeframe. Currently, the MOU is between nine agencies including the jurisdictions of Ada County, Boise, Eagle, and Garden City, and transportation agencies COMPASS, Valley Regional Transit, Ada County Highway District, Idaho Transportation Department, and Boise’s Urban Renewal Agency, Capital City Development Corp.</p> <p>There have been several planning efforts to implement Bus Rapid Transit along State Street as part of the State Street Highway 44 Transit Corridor coordination.</p> <p>The plans look to State Street (Highway 44) corridor as one of the major transportation spines connecting the City of Boise downtown core to Garden City, Eagle, north Meridian, Star, Emmett, Middleton, and Interstate 84 west of the City of Caldwell. The hyperlink includes a detail of the projects, partners, location, and documents that are a part of this effort.</p> <p>The applicant specifically points to the State Street Corridor Transit Oriented Development (TOD) Plan which Garden City adopted per resolution 1077-20 in March of 2020. TOD is the concept of land use that is supportive of transit. The State Street Corridor TOD plan identifies the Pierce Park Lane intersection of State Street as a secondary TOD Station location. The plan discusses fundamentals that are required for the implementation of a TOD ranging from streetscape designs to appropriate densities and land uses.</p> <p>The proposal as submitted does incorporate densities, design, and land use that is supportive of this plan.</p>
State Street and Pierce Park Lane Intersection Design	The State Street Transit and Traffic Operation Plan served as the basis for the State Street and Pierce Park Lane intersection improvements. In 2017, the ACHD Commission adopted the State Street and Pierce Park Lane Concept Study. ACHD finalized the design in 2019. In 2020, the ACHD Commission voted to delay the project and work on a redesign to shift the project north. In 2021, the project was restarted to incorporate the northern shift.

<p>*Ada County Highway District (ACHD) project</p>	<p>The design is finalized with construction anticipated in FY 2026.</p> <p>The project is intended to improve safety and connectivity for all users, accommodate future traffic volumes, and incorporate ideas and concerns gathered from the public.</p> <p>The improvements include:</p> <ul style="list-style-type: none"> • Realigning Pierce Park Lane to improve safety and provide a better line of sight for drivers. • Widening State Street within the project limits and adding medians where necessary for safety. • Providing U-turns at multiple locations. • Adding continuous multi-use pathways for pedestrians and cyclists. • Adding an additional crosswalk on State Street. <p>The proposal submitted incorporates the realignment of the intersection.</p>
<p>Garden City Transportation Needs List</p>	<p>Adding the initially intentioned pathway would provide direct access to the Pierce Park Lane intersection, generating a safe route to school. This need is identified in the Garden City Transportation Needs List:</p> <p>“Additionally, there are a number of children who live southwest of their schools located on Gary Lane, Castle, and Pierce Park Lane. While the children may live ½ to ¾ of a mile from their schools it is dangerous and difficult for them to walk or bike due to the lack of safe crossing across State Street and lack of safe and direct access to the schools. While there is a network of roads that bike paths and or sidewalks could be added to, they mostly end in cul-de-sacs and would need a pathway connection established between them in addition to bike and/or sidewalk improvements.”</p>

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
<p>Garden City Engineer: Link</p>	<p>01/08/2023</p>	<p>Noting reviews necessary; applicant’s stated intent for a Minor Land Division and development should occur at or above FEMA’s proposed flood maps base flood elevation.</p> <p>The ability to serve letters prepared on January 27, 2023, and June 28, 2022, are conditional. The application proposes a connection to the Boise City sanitary sewer collection system. It would be the applicant’s responsibility to confirm that adequate sewer supply is available.</p> <p>If there is to be further subdivision, providing city utility services might be impacted by a subdivision of the land.</p>
<p>Department of Environmental Quality: Link</p>	<p>01/04/2023</p>	<p>Standard Comments</p>
<p>Valley Regional Transit: Link</p>	<p>02/13/2023</p>	<p>Requesting consistency with design and phasing as identified by VRT and the ACHD intended Pierce Park Lane intersection redesign.</p>

Boise School District: Link	03/10/2023	Bus stop on a non-arterial public street requested.
City of Boise: Link	03/15/2023	<p>A public bicycle and pedestrian connectivity between the Pierce Park Lane intersection and greenbelt is far superior to current conditions.</p> <p>An internal drive aisle between the Central and East sub-districts is safer.</p>
Ada County Highway District: Link	04/17/2023	<p>ACHD's intersection project scheduled for 2025 is anticipated to mitigate impacts on state street.</p> <p>The construction of a multi-use pathway along State Street is recommended as alternative mitigation.</p> <p>Remove the westernmost right-in-right out access that is the existing Plantation Drive. If required by emergency service providers, an emergency access could be located here, or other location as preferred by emergency service providers. Emergency access should be restricted by a gate or bollards that are located outside of the right-of-way for State Street.</p> <p>To ensure there is adequate left turn queue length to turn on to State Street from the private road, the city should require a northbound left turn lane that extends the entire length of the north/south private road between State Street and the east/west private road. [Garden City staff understands this as the private leg of Pierce Park Lane]</p> <p>The need for additional access beyond the State Street/Pierce Park Lane intersection was demonstrated in the traffic study. However, ACHD does not recommend approval of the proposed left-in movement at this location due to other driveways and turning movements on the north side of State Street and recommends that this driveway be restricted to right-in/right-out only and be constructed with the ACHD project.</p> <p>Redesign the private road/drive aisle network between the Central and East Sub-Districts of the development for better access to Pierce Park Lane.</p> <p>If private roads are not approved by the City of Garden City, the applicant will be required to revise and resubmit the design review application to provide public standard local streets in these locations.</p> <p>Do not connect to Fair Oaks Place for the purpose of motor vehicles.</p>

		Require pedestrian and bicycle connectivity connection at Fair Oaks Place.
--	--	--

PUBLIC COMMENT

Due to the number of comments that have been received they are linked in groups based on the date of receipt. Links to the public comments are found here:

[August 29, 2022 – November 30, 2022](#)

[December 1, 2022 – December 31, 2022](#)

[January 1, 2023 – January 31, 2023](#)

[February 1, 2023 – February 28, 2023](#)

[March 1, 2023 – March 31, 2023](#)

[April 1, 2023 – April 20, 2023](#)

The following is a summary of concerns that have been noted by the public:

- Assurance that the golf course open space will be preserved
- Density
- Height
- Massing
- Lack of open space
- Overflow parking within the adjacent neighborhood
- Public access to the adjacent neighborhood
- Spot Zoning
- Ownership of parcel
- Traffic
- Wildlife
- Home value reduction
- Renters are not invested in their community
- Inability of existing services to accommodate proposal
- Incompatibility of proposed homes with existing homes
- Public access to N. Fair Oaks Place
- Increased presence of dogs
- Liability to golfers for errant balls
- Noise
- Crime
- The golf course should not be considered an open space for the proposal

The following is a summary of points of support noted by the public:

- Maintaining the golf course. A different developer may develop the golf course, and this would result in a loss of the golf course and open space
- Thoughtful plans
- Increased property value
- Those who are opposing are a small but vocal group
- Lincoln's portfolio includes some of the finest developments in the US and Europe
- There is capacity for traffic on State Street
- The proposal facilitates adequate parking